

**EXHIBIT M**

**REDACTED VERSION**

**OF DOCUMENT**

**SOUGHT TO BE SEALED**

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Case No. 3:17-cv-00939-WHA

-----  
WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.;

OTTOMOTTO LLC;

OTTO TRUCKING,

Defendants.  
-----

HIGHLY CONFIDENTIAL, ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF

NICHOLAS GICINTO

DATE TAKEN: DECEMBER 21, 2017

REPORTED BY:

PAUL J. FREDERICKSON, CCR, CSR

JOB NO. 2771353

Pages 1 - 338

Page 1

1           A.       It appears to be a philosophical       13:18:30  
2       approach to looking at the autonomous vehicle       13:18:33  
3       competitive landscape and -- from a collection       13:18:37  
4       standpoint.       13:18:41

5           Q.       And do you see in the next       13:18:42  
6       paragraph, it says:       13:18:43

7                   "The primary collection       13:18:44  
8       methodologies will be open-source and HUMINT       13:18:45  
9       and will be conducted by assets, both internal       13:18:48  
10      employees and external vendors"?       13:18:52

11          A.       I see that.       13:18:54

12          Q.       And did you have understanding       13:18:56  
13      that Uber's primary collection methodologies in       13:18:59  
14      terms of gaining competitive intelligence were       13:19:06  
15      the things that are listed here?       13:19:07

16          A.       No, I disagree with that. I mean,       13:19:12  
17      this strategy or this -- this document here,       13:19:13  
18      what was outlined, was never actually carried       13:19:17  
19      out.       13:19:21

20          Q.       You haven't read the whole       13:19:21  
21      document yet, have you?       13:19:22

22          A.       I haven't read the whole document,       13:19:23  
23      but insofar as what you've pointed out to me,       13:19:25  
24      these are not things that were -- that were       13:19:28  
25      undertaken.       13:19:30

1 And one of the individuals -- the 14:37:28  
2 first individual we interacted with as a 14:37:33  
3 vendor, who we later called [REDACTED], traveled to 14:37:38  
4 [REDACTED] in response to the requirements that Ric 14:37:41  
5 Jacobs drafted. 14:37:45

6 The information itself wasn't -- 14:37:45  
7 wasn't particularly earth-shattering, but the 14:37:49  
8 quality of the writing, the quality of the 14:37:54  
9 assessment, was at such a higher level of -- of 14:37:57  
10 what -- what the business was used to seeing, 14:38:01  
11 that it was clear that we were working with a 14:38:04  
12 vendor that had just a higher level of 14:38:07  
13 expertise than what the business had been used 14:38:11  
14 to working with. 14:38:13

15 Q. Other than what we've discussed 14:38:14  
16 today with respect to the surveillance of [REDACTED] 14:38:16  
17 and Waymo vehicles, are there any other 14:38:20  
18 activities you can recall that were engaged in 14:38:24  
19 by these folks that you call [REDACTED] that were 14:38:28  
20 hired by your group with respect to collecting 14:38:32  
21 information about competitors in the AV market? 14:38:39

22 A. I don't recall those individuals 14:39:07  
23 engaging in any other collection related to AV 14:39:11  
24 besides what we previously discussed. 14:39:14

25 MR. KAPGAN: Do you want to take a 14:39:16

1 chain category? 16:58:02

2 A. Hypothetically it would have been 16:58:05

3 for that. But, again, we didn't engage in 16:58:07

4 supply chain research, so none of the money 16:58:09

5 went to that. We did engage in some sourcing 16:58:11

6 activities, as I mentioned, related to a couple 16:58:14

7 of entities, neither of which were Waymo or 16:58:18

8 Google. 16:58:22

9 Q. Did the ATG group specify that 16:58:26

10 efforts should be taken with respect to [REDACTED] 16:58:28

11 [REDACTED] with 16:58:31

12 respect to the autonomous vehicle competitors? 16:58:33

13 A. They listed those as areas of 16:58:36

14 interest. 16:58:37

15 Q. All right. 16:58:40

16 Was any money out of the [REDACTED] 16:58:50

17 [REDACTED] budget spent on focusing on 16:58:52

18 Google with respect to the [REDACTED]? 16:58:57

19 A. No. 16:58:57

20 Q. Was any of the [REDACTED] 16:59:00

21 budget focused on Google with respect to 16:59:02

22 [REDACTED]? 16:59:06

23 A. No. 16:59:06

24 Q. Was any of the [REDACTED] 16:59:08

25 budget that was approved for 2017 focused on 16:59:10

1 Google with respect to [REDACTED]? 16:59:15

2 A. Yes. 16:59:15

3 Q. Tell me what you know about that. 16:59:21

4 A. The -- this budget funded our 16:59:24

5 public observation activities in the Phoenix 16:59:27

6 area as we previously discussed. 16:59:30

7 Q. And is that the only activity with 16:59:32

8 respect to Google that was -- which came under 16:59:35

9 this [REDACTED] budget? 16:59:42

10 A. Yes. 16:59:42

11 Q. Was there any other budget in the 16:59:45

12 SSG Group that related to activities focused on 16:59:47

13 Google for 2017? 16:59:49

14 A. No. 16:59:51

15 Q. What about for 2016? 16:59:51

16 A. No. 16:59:51

17 Q. Was all of the budget for 2000 -- 17:00:09

18 first of all, how much budget was there for 17:00:10

19 2016 with respect to autonomous vehicles in 17:00:13

20 your group? 17:00:15

21 A. We didn't have a budget. We 17:00:16

22 weren't funded by ATG in 2016. 17:00:18

23 Q. Okay. 17:00:20

24 You didn't have a budget at all? 17:00:23

25 A. I had a -- I had a budget, but I 17:00:24

C E R T I F I C A T E

I, PAUL J. FREDERICKSON, CA  
Certified Shorthand Reporter No. 13164 and  
WA Certified Court Reporter No. 2419, do  
hereby certify:

That prior to being examined,  
the witness named in the foregoing  
deposition was by me duly sworn or affirmed  
to testify to the truth, the whole truth and  
nothing but the truth;

That said deposition was taken  
down by me in shorthand at the time and  
place therein named, and thereafter reduced  
to print by means of computer-aided  
transcription; and the same is a true,  
correct and complete transcript of said  
proceedings.

I further certify that I am not  
interested in the outcome of the action.

Witness my hand this 22nd day  
of December 2017.



PAUL J. FREDERICKSON, CCR, CSR  
WA CCR 2419 CA CSR 13164  
Expiration date: March 31, 2018